

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH S. AUTERI, M.D.	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 20-64
	:	
VIA AFFILIATES, d/b/a	:	
DOYLESTOWN HEALTH PHYSICIANS	:	

ORDER

AND NOW, this 30th day of October, 2023, upon consideration of Defendant VIA Affiliates d/b/a Doylestown Health Physicians' Motion to Dismiss Count II and Count III of the Complaint (ECF No. 6), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** that the Motion is granted in part without prejudice and denied in part as follows:

1. Defendant's Motion to Dismiss Counts II (disability discrimination) and III of the Complaint is **GRANTED** without prejudice;
2. Defendant's Motion to Dismiss Count II (retaliation) is **DENIED**;
3. Plaintiff is granted leave to amend the Complaint within twenty-one (21) days of the date of this Order.

IT IS SO ORDERED.

BY THE COURT:

/s/ R. Barclay Surrick
R. BARCLAY SURRICK, J.